28

Laws and Ordinances OF VVAR,

ESTABLISHED

For the better Governing His MAIESTIES Forces in the Kingdom of *PORTUGAL*,

Under the Command of His Excellency

MORGAN Earl of *INSIQUIN.*

LONDON:

Printed by *John Bill* and *Christopher Barker*, Printers to the KING'S most Excellent Majesty. 1662.

CUM PRIVILEGIO.

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CUM PRIVILEGIO.

Laws and Ordinances of War eſtabliſhed for the better Governing His Majeſties Forces in the Kingdom of *Portugal*, under the Command of His Excellency *Morgan* Earl of *Inſiquin*.

Of Duties to God.

I.

LEt no man preſume to blaſpheme the holy Trinity, God the Father, God the Son, and God the Holy Ghoſt; nor the known Articles of the Chriſtian Faith, upon pain of having his Tongue bored with a red hot Iron.

II.

Unlawful Oaths and Execrations, and ſcandalous acts in derogation of Gods honor, ſhall be puniſhed with loſs of pay, and other puniſhments at diſcretion.

III.

All thoſe who often and willingly abſent themſelves from Sermons and publick Prayers, ſhall be proceeded againſt at diſcretion.

All thoſe who ſhall violate places of Publick Worſhip, or things conſecrated to holy uſe, ſhall be punished at the diſcretion of the Lord General, or a Court-Martial.

Of Duties to his Majeſty.

ALL and every Officer and Soldier that ſhall receive Commiſſion, or be Liſted in His Majeſties Army under the Command of his Excellency *Morgan* Earl of *Inſiquin*, ſhall within twenty days after the receipt of their Commiſſion, or the day

of their being Liſted, take the Oaths of Supremacy and Allegiance; and all ſuch as ſhall refuſe to take theſe Oaths, ſhall immediately be diſmiſſed their Command, or other place in the Army, at the diſcretion of the Lord General.

II.

All ſuch other Officer or Soldier as ſhall uſe any Treaſonable or reproachful ſpeeches againſt His Majeſties Sacred Perſon, or Royal Authority, ſhall die without mercy.

III.

Whoſoever ſhall ſpeak any words tending to the dishonour of his Royal Highneſs *James* Duke of *York*, or any other of the Royal Family, ſhall immediately be Caſhiered, forfeit his arrears, and be made for ever uncapable of any imployment in the Army.

Of Duties in General.

I.

EVery Soldier ſhall aid and defend his Colours by day and by night, and on the firſt warning repair unto them, not departing thence until they are in a place of ſafety, on pain of death.

II.

All ſuch as ſhall practice or entertain intelligence with any of His Majeſties Enemies, by any manner of means or ſlights, and have any communication with them, without direction from the Lord General, ſhall be punished with death without mercy.

III.

No man ſhall relieve the Enemy with Money, Victuals, or Ammunition, neither harbor or receive any ſuch upon pain of death.

IV.

If a Town, Caſtle, or Fort, be yielded up without the utmoſt neceſſity, the Governor thereof ſhall be puniſhed with death.

V.

If it chance that the monethly entertainment be not paid on the very day, or that it cannot be ſent unto the Soldiers for ſome cauſe, be it through any hindrance of the Enemy or otherwiſe, none ſhall therefore make any tumult, or ſpeak any ſeditious words, or ſeek to force his Captain to the payment thereof, neither yet do the leſs duty, but ſhall have a care of his Marches and Watches, contenting himſelf with a reaſonable Loan until the money be come, and he ſhall fully perform the duty of a good ſoldier; and whoſoever doth the contrary, or accompanies thoſe that do, ſhall die for it.

VI.

He that in any quarrel, fight, or otherwiſe, ſhall call thoſe of his

his Nation to help, or gather or assemble together, shall be put to death.

VII.

Whosoever shall go a free-booting, and shall commit spoils, extortions and theft, shall be put to death, or otherwise severely punished at the discretion of the General.

VIII.

If any run away to the Enemy, or in his flight be taken from the Enemy, he shall be punished with death.

IX.

If any prisoner be found walking along the Camp, or place of Garison, without leave from the General, or him that commands there, he to whom the prisoner belongs, shall forfeit him to those that first lay hands on the prisoner.

X.

Concerning lawful prizes, whosoever bringeth in the same, shall acquaint therewith the General, or him that commands in the quarter, within three hours after their return, to the end they may be accordingly Registred, upon pain of forfeiting the same, and to be besides punished at discretion.

XI.

Whosoever shall have gotten any thing from the Enemy, and giveth no notice thereof that it may be recorded, and after sold in the Camp or place of Garison, but shall sell or cause to be sold without special order, shall without any mercy be punished with death, to the end that better order be held in all, and no man wronged of his right.

XII.

None shall by couzening get away his fellows provisions, victuals, or arms, in pain of being cashiered and banished for three months out of the Camp, or otherwise sustain such corporal punishment as shal be adjudged suitable to the quality of the offence.

XIII.

Whosoever shall have taken or stoln any victuals or other provisions brought up towards the Camp, Garison, or other place under the Jurisdiction of His Majesty, shall be hanged without mercy.

XIV.

Whosoever shall be convicted to do his duty negligently and carelesly, shall be punished at discretion.

XV.

Whosoever shall presume to violate a safeguard, shall die without mercy.

XVI.

Whosoever shall come from the enemy without a Trumpet or Drum, after the custom of War, or without a Pass from his Ex-

cellency within the quarters of the Army, or within a Gariſon Town, ſhall be hanged as a ſpie.

Of Duties towards Superiors and Commanders.

I.

WHoſoever ſhall uſe any words tending to the hurt or diſhonour of the Lord General, whereby to cauſe a Mutiny, ſhall be puniſhed with death, or at the diſcretion of a Court-Martial.

II.

No man ſhall preſume to quarrel with his Superior Officer, upon pain of Caſhiering and arbitrary puniſhment; nor to ſtrike, or offer to draw his ſword againſt any ſuch, upon pain of death.

III.

No man ſhall violently aſſault the Commiſſary of Muſters, in pain of death.

IV.

No Soldier ſhall depart from his Captain without Licence (though he ſerve ſtill in the Army) upon pain of death.

V.

No man ſhall reſiſt, draw, or offer to draw or lift his weapon againſt any Officer correcting him for his offence, upon pain of death.

VI.

Every private man or Soldier upon pain of impriſonment, ſhall keep ſilence when the Army is to take Lodging, or when it is Marching, or in Batalio, ſo as the Officers may be heard, and their Commandments executed.

VII.

No Soldier ſhall, without Order from their chief Commander or Captain, hold any common meeting or gathering together, nor yet be preſent at ſuch Aſſemblies, on pain of death: Provided always that ſuch Captain or Commander as ſhall ſuffer the ſame to happen at undue ſeaſons, and unlawfulwiſe, ſhall, for an example to others, be puniſhed with death before all the Soldiers.

VIII.

No man ſhall reſiſt the Provoſt-martial, or any other Officer in the execution of his Office, or break Priſon, upon pain of death.

IX.

No man ſhall utter any words of ſedition and uproar, or mutiny, upon pain of death; neither ſhall they rehearſe any ſuch words, or

practiſe any thing whereby any mutiny or ſedition may grow, upon pain of death.

X.

The ſame puniſhment ſhall be inflicted on them, who after they have heard mutinous ſpeeches, acquaint not their Commander, or ſome other Officer therewith within four and twenty hours.

XI.

Whoſoever ſhall receive any injury, and ſhall take his own ſatisfaction, ſhall be puniſhed with impriſonment, and as it ſhall be thought fit by the Martial Court; but he that is injured ſhall be bound, if he do not forgive the injury, to ſeek reparation by complaint to his Captain or Colonel, or other ſuperior Officer, and it ſhall be given him in ample manner.

XII.

If any Soldier ſhall refuſe the Command of his Captain, or any other who Commands over him in the ſervice of His Majeſty, and not perform the ſame, he ſhall be puniſhed with death, a she likewiſe ſhall, who tranſgreſſeth any of the Generals Commands publiſhed by ſound of drum or trumpet.

XIII.

Whoſoever ſhall by word or deed abuſe the Serjeant-major, doing his Office, be he Captain or Soldier, ſhall be puniſhed with death, or at the diſcretion of a Court-martial, as he alſo ſhall be who will not content himſelf with that Quarter or Lodging whereto he ſhall be aſſigned by his Quartermaſter, or other Officer appointed for that purpoſe, or he that ſhall diſturb any other man in his place.

Of Moral Duties.

I.

DRunkenneſs in an Officer ſhall be puniſhed with loſs of place; in a private Soldier, with ſuch penalties as the General or Court-Martial ſhall think fit.

II.

He that is drunken on the Watch-day, ſhall be Caſhiered and baniſhed the Camp.

III.

Rape, Raviſhment, and unnatural Abuſe ſhall be puniſhed with death.

IV.

Adultery, Fornication, and other diſſolute Laſciviouſneſs, ſhall be puniſhed at diſcretion, according to the quality of the offence.

V. Theft

V.

Theft and Robbery exceeding the value of Twelve pence, ſhall be puniſhed with death.

VI.

He that is found drunk, or convicted of frequent ſwearing, ſhall forfeit half a days Pay.

VII.

No man ſhall uſe reproachful or provoking words or act to any, upon pain of impriſonment, and ſuch further puniſhment as ſhall be thought fit to be inflicted upon enemies to Diſcipline and Service.

VIII.

No man ſhall take the goods or ſpoil of him that dieth, or is killed in Service, upon pain of reſtoring double the value, and Arbitrary puniſhment.

IX.

Murder ſhall be expiated with the death of the Murtherer.

Of Challenges and Duels, or Provocations.

I.

IF any make or ſend a Challenge, or otherwiſe provoke a Captain or other Officer of the Army to Duel or ſingle Combate, he ſhall die for it without mercy. If this be done by one private Soldier to another, the ſame puniſhment ſhall be inflicted, or at the diſcretion of the Court-Martial.

II.

He that ſhall ſtrike any man with his ſword undrawn, or with a cudgel, ſtone, or otherwiſe, that blood follows, ſhall loſe his hand, or be otherwiſe puniſhed at the diſcretion of a Court-Martial.

III.

If any upbraid a Soldier for refuſing a Challenge made or ſent unto him, and the Soldier ſo upbraided ſhall demanded reparation of the Court, if the party upbraiding be an Officer, he ſhall loſe his Office, whatſoever it be, and be further puniſhed, at the diſcretion of the Lord General, or the Court; but if a private Soldier, then at diſcretion.

IV.

He that ſhall give any one a box on the ear, ſhall in preſence of the ſame company, take the like box of the party ſo wronged, and beſides, be diſarmed, and baniſhed the Company.

If any two go into the field, and there fight with Sword, Piſtol, or other weapon, though no death follow on either part, yet if they

they be Officers, they ſhall loſe their places, and be diſabled to bear Office for time to come, unleſs upon humble ſubmiſſion they or either of them ſhall be reſtored to that capacity by the Lord General in open Court: But if two private Soldiers ſo do, they ſhall be puniſhed with the Wooden-horſe, or otherwiſe at the diſcretion of the Court; and the like to be done by their or any of their Seconds, who in all reſpects are to be taken as Principals in theſe caſes.

Of a Soldiers Duty touching his Arms.

I.

ALl Soldiers coming to the Colours to watch, or to be exerciſed, ſhall come fully armed with Arms fixed and decently kept, upon pain of ſevere correction and puniſhment, ſuch as a Court Marſhal ſhall think fit.

II.

If a Trooper ſhall loſe his Horſe, or Hackney, or a Footman any part of his Arms by negligence, or lewdneſs, by Dice, or Cards, he or they ſhall remain in quality of Pioneers, till they be furniſhed with as good as they loſt, at their own charge.

III.

No Soldier ſhall give to pawn or ſell his Armor or Arms, upon pain of Impriſonment and puniſhment at diſcretion: And whereſoever any Armor or Arms ſhall be found ſo ſold or pawned, they ſhall be brought again into the Army.

IV.

If any Trooper ſhall ſpoil his Horſe willingly, on purpoſe to be rid of the Service, he ſhall loſe his Horſe, and remain in the Camp for a Pioneer.

V.

If any borrow Arms of another to paſs the Muſter withal, the borrower ſhall be rigorouſly puniſhed, and the lender ſhall forfeit his goods.

VI.

None ſhall preſume to ſpoil, ſell, or carry away any Ammunition delivered to him, upon pain of death, or otherwiſe grievouſly puniſhed at the diſcretion of a Court Marſhal.

Of Duties in Marching.

I.

IF any ſhall depart out of the Rank or Order wherein he is placed, unleſs it be on neceſſary occaſion, and that he hath therewith acquainted his Officer, he ſhall be puniſhed with death.

II.

None in their march through the Countries under His Majeſties Obedience or Protection, ſhall waſte, ſpoil, or extort any victuals, money or goods from any perſon (upon any pretence of want whatſoever) upon pain of death, or ſuch ſevere puniſhment as a Court Martial ſhall think fit to be inflicted.

Of Duties in Camp and Garriſon.

I.

NOne that is appointed for the defence of any Breach, Trench, or Sconce, be he Captain or Soldier, ſhall willingly forſake the ſame, or by, or through any falſe coloured occaſions or excuſes, abſent himſelf from thence without ſufficient Order or Warrant allowed by Council of War, upon pain of death.

II.

No man ſhall enter or go out of the Army, but by ordinary ways, upon pain of death; nor go over any Trench, or kinde of Circumvallation, or any Rampiers about a Town or Garriſon, upon pain of death, or being otherwiſe puniſhed, as a Court Martial ſhall think fit.

III.

No man ſhall preſume to draw his Sword without order, after the Watch is ſet, upon pain of death, or ſuch other puniſhment as a Court Martial ſhall think fit.

IV.

No man ſhall give falſe Alarm, or diſcharge his piece in the night, or make any noiſe without lawful cauſe, upon pain of death, or ſuch other puniſhment as a Court Martial ſhall think fit.

V.

No man ſhall draw any Sword in a private quarrel within the Camp, upon pain of death, or ſuch puniſhment as a Court Martial ſhall think fit.

VI.

He that makes known the Watch-word without order, or gives another Word then what is given by the Officer, ſhall die for it, or be otherwiſe puniſhed as a Court Martial ſhall think fit.

VII.

Likewiſe any Officer that gives the Word to any perſon that he ought not to do without Order from him that commands in chief, ſhall be puniſhed as a Court Martial ſhall think fit.

VIII.

Whoſoever ſhall abſent himſelf from the court of Guard above two hours in the day time, or any time in the night without leave, ſhall be puniſhed with death, or as a Court Martial ſhall think fit.

IX.

No man ſhall do violence to any that brings victuals to the Camp, upon pain of death, or to be puniſhed as a Court Martial ſhall think fit.

X.

None ſhall ſpeak with the Drum, or Trumpet, or any other ſent by the Enemy, without order, upon pain of death, or puniſhment at diſcretion.

XI.

Whatſoever ſoldier ſhall either by day or night depart from his Centinelſhip where he hath been placed by his corporal, unleſs he be relieved by the ſaid corporal, ſhall die without mercy.

XII.

A Centinel or Purdue found aſleep, or drunk, or forſaking their place before they be drawn off, or that ſhall not upon diſcovery made, give warning to his quarter, according to direction, ſhall die for the offence without mercy.

XIII.

No man shall fail wilfully to come to the Rendezvouz or Garriſon appointed him by the Lord General, upon pain of death, or ſuch punishment as a Court Martial shall think fit.

XIV.

None shall run from his quarter in a place beſieged, call for compoſition, or ſpeak thereof, be unwilling to fight, labour or defend their quarter, or make others unwilling thereunto, or do ought elſe in ſuch a place, whereby the defence thereof may be hindred, upon pain of death without any mercy.

XV.

No man that carries Arms, and pretends to be a Soldier, shall remain three days in the Army without being Inrolled in ſome Company or other, upon pain of death, or otherwiſe punished by diſcretion of a Court Martial.

XVI. No

XVI.

No man that is Inrolled ſhall depart from the Army, or Garriſon, or from his Colours without licence, upon pain of death.

XVII.

No private Soldier ſhall out-ſtay his Paſs, upon pain of loſing his pay, during the time of his abſence.

XVIII.

He that abſents himſelf when the ſign is given to ſet the Watch, ſhall be puniſhed at diſcretion, either by Bread and Water, Impriſonment, or with Wooden-horſe.

XIX.

No Officer of what quality ſoever, ſhall go out of the quarter, and lie out all night, without making his Superior Officer acquainted, upon pain of caſhiering.

XX.

All Officers, whoſe charge it is, ſhall ſee the Quarters kept clean, and ſwept, upon pain of ſevere puniſhment.

XXI.

He that ſhall go out from his Colours or Garriſon, further then a Canon-ſhot, without the Captains leave, ſhall die for it, or elſe be puniſhed according to diſcretion.

XXII.

None ſhall preſume to let their Horſes feed in ſown Grounds whatſoever, or to endamage the Husband-man any way, upon pain of ſevere puniſhment.

XXIII.

If two or more Officers or private Soldiers, in their Quarters or elſwhere, ſhall quarrel and proceed to blows in hot Blood, they ſhall both, or all, be committed immediately to the Marſhal, and be afterwards puniſhed according to the diſcretion of the Lord General, or a Court Marſhal.

XXIV.

If any man imployed for a Guide upon the way, or a Spie upon the Enemy, ſhall be found falſe in the charge wherein he is intruſted, he ſhall die without mercy. Or if any man imployed for a Scout, ſhall not diſcover ſo far as he is commanded, or having diſcovered any approach of the Enemy, or Abuſhment, ſhall not ſpeedily return and give warning to his Quarter, according to direction, he ſhall be puniſhed at the diſcretion of the Lord General, or Court Marſhal. And in caſe it ſhall be proved he entred into any houſe, and there lay ſleeping, or drinking, or otherwiſe idle, whilſt he ſhould have bin upon ſervice, he ſhall be puniſhed as a Centinel or Purdue found aſleep.

Whoſoever ſhall in his Quarter abuſe, beat, or fright his Landlord, or any perſon elſe in the family, or ſhall extort money, or victuals

victuals by violence, shall be proceeded againſt as mutineers and enemies to diſcipline, according to the diſcretion of a Court Martial.

Of Duties in Action.

I.

IF a Pike-man throw away his Pike, or a Musketeer his Musket or Bandiliers, he or they shall be punished with death, or as a Court Martial shall think fit.

II.

No man shall burn any Houſe or Barn, or ſpoil any Corn, Hay, or Straw, or Stacks in the field, or any Ship, Boats, Carriage, or any thing that may ſerve for Proviſion for the Army, without order, upon pain of death, or ſuch punishment as a Court Martial shall think fit.

III.

None shall kill an enemy who yields and throws down his Arms.

IV.

None shall ſave a man that hath his Offenſive Arms in his hands, upon pain of loſing his Priſoner.

V.

No man shall kill a man after quarter given, upon pain of death.

VI.

Whoſoever in skirmish shall fling away his Powder out of his Bandiliers, that he may the ſooner come off, shall be punished with death; or if he complain he wants Powder or Bullet without acquainting his Officer privately with it, shall be punished as the Court Martial shall think fit.

VII.

No Soldier shall imbezle any part of the prey, till it be diſpoſed of by his Excellency or others authorized, upon pain of death, or as a Court Martial shall think fit.

VIII.

No Soldier, unleſs upon ſickneſs, or hurt, shall abſent himſelf from the Guard, on pain of punishment, ſuch as the Court Martial shall think fit.

IX.

If any shall call for money as they are marching in the face of the enemy, or upon any enterpriſe, they shall die without mercy.

X.

No Officer or Soldier ſhall ranſome or conceal a Priſoner, but within twelve hours ſhall make the ſame known to the Lord General, or others authorized, upon pain of death, or be puniſhed as a Court Martial ſhall think good.

XI.

He that firſt begins to flie in a Battel, or upon an Aſſault, may lawfully be ſlain thereupon; and if he eſcape, he ſhall be declared a Villain, and die without mercy.

XII.

No man upon Service ſhall fall on Pillagingbefore theſig n or licence given, upon pain of death.

XIII.

If any man ſhall refuſe or forbear to go upon any Service commanded him by his Superior, for fear of danger, or other pretence whatſoever, or ſhall in the time of fight, retire before the Retreat ſounded, or ſhall throw away his Arms and flie, ſhall die for it without mercy.

XIV.

A Regiment or Party of Horſe or Foot that chargeth the Enemy, and retreat before they come to handy ſtrokes, ſhall anſwer it before the Council of War; and if the fault be found in the Officers, they ſhall be baniſhed the Camp, and have their ſwords broke over their heads; and if in the Soldiers, every tenth man ſhall be puniſhed at diſcretion, and the reſt ſerve for Pioneers and Scavengers, till a worthy exploit take off that blot.

XV.

He that in Marching towards the Field, or returning thence, ſhall forſake his Colours, ſhall die without mercy.

Of the Duties of Officers and Commanders.

I.

ALl Commanders are ſtraitly charged to ſee Almighty God reverently ſerved, and Sermons and Prayers duly frequented.

II.

All Commanders and Officers that finde any diſcontented humors apt to mutiny, or any ſwerving from direction given, or from the policy of the Army ſet down, ſhall ſtraightway acquaint the Lord General, or others in Authority above themſelves, on pain of being taken and reputed negligent in their Place and Office.

III.

Any Officer that ſhall preſume to defraud any Soldier of his Pay,

Pay, or any part thereof, ſhall be caſhiered, and further puniſhed at the Lord Generals diſcretion.

IV.

No Officer whatſoever ſhall depart out of the place where their Company lie in Gariſon or Quarter, whether it be to ſollicite for the payment of their ſaid Company, or about their own buſineſs, without leave from their Commander or Governour, upon pain of forforfeiting a months Pay for the firſt offence, and being caſhiered for the ſecond.

V.

No Captain ſhall ſeduce or entice away each others Soldiers, on pain of caſhiering.

VI.

No Captain or other Officer ſhall receive or Liſt any Disbanded Soldier, without ſpecial Licenſe from the General.

VII.

No Officer when he hath the Guard, ſhall be abſent from the Guard, unleſs by reaſon of ſickneſs or hurt, upon pain of loſing his place.

VIII.

No Captain ſhall permit his Company to be or remain in Quarter without one Commiſſion-Officer at leaſt.

IX.

No Corporal or other Officer commanding the Watch, ſhall willingly ſuffer a private Soldier to go out to Duel, or private fight, upon pain of death.

X.

What Officer ſoever ſhall come drunk to his Guard; or ſhall quarrel in the Quarter, committing diſorder, ſhall be caſhiered without mercy.

XI.

A Captain that is careleſs in the Training of his Company, ſhall be diſplaced as a man unworthy of that Office.

XII.

All Captains or Officers that ſhall out-ſtay their Paſs, ſhall be puniſhed at the Lord Generals diſcretion.

XIII.

All Officers of what condition ſoever, ſhall have power to part quarrels and fraies, and ſuddain diſorders amongſt the Soldiers, though it be in any other Company or Regiment, and to commit the diſorderer to Priſon for the preſent, untill ſuch Officer as they belong to, are acquainted with it: And what Soldier ſoever ſhall reſiſt, diſobey, or draw his Sword againſt ſuch an Officer, although he be no Officer of his Company or Regiment, ſhall be puniſhed with death.

XIV. After

XIV.

After the Army is come to the General Rendezvouze, no Captain ſhall Caſhier any Soldier that is Enrolled, without ſpecial Warrant from the Lord General, or a Court Martial, on pain of being Caſhiered.

XV.

If any one whoſoever that is not thereunto Authorized by His Majeſty, or the Lord General, ſhall grant out any Commiſſion of what nature ſoever, he ſhall be puniſhed with death.

XVI.

No Captain or Officer of a Troop or Company ſhall preſent in his Muſters any but real Troopers and Soldiers, ſuch as by their Pay are bound to follow their Colours, upon pain of Caſhiering without mercy: And if any Townſman, or Countreyman, Victualler, Sutler, Freebooter, Enterloper, or Soldier whatever, of any other Troop or Company, ſhall preſent himſelf in the Muſter to miſlead the Muſter-Maſter, to defraud His Majeſty, and betray the Service, the ſame ſhall be puniſhed as a Court Martial ſhall think fit.

XVII.

No Captain of a Troop or Company, ſhall take into his Troop or Company any Inhabitant of that place where the Troop or Company is in Garriſon, upon pain of ſevere puniſhment, unleſs it be done by and with the privity and conſent of the General or Governor of the place.

XVIII.

Every Captain with the help of his Officers, every time his Company goes to the watch, ſhall overſee every mans Arms; and where he finds any thing broken, cauſe the owner thereof preſently to mend them; and for what ſhall be loſt, the Soldier ſhall be committed to priſon until he provide another, if it be not broken or loſt in the Service; & the Captain ſhall march in the head of his Company at the ſetting of every Watch.

XIX.

That the Captain weekly pay not his Company until he hath all his Company come to him in Arms, and that he view the defect of Arms, and alſo default for the not preſent mending them.

XX.

No Providor, Keeper or Officer of Victual or Ammunition ſhall imbezle or ſpoil any part thereof, or give any falſe accompt to the Lord General, upon pain of death, or as a Court Martial ſhall think fit.

Whatſoever Provant-Maſter, having received mony from the King, or the Lord General, ſhall bring & furniſh the camp or any Gariſon withunſound orunſav ory victuals of any kind, wherby ſickneſs

ſickneſs may grow amongſt the Soldiers, or the ſervice by that occaſion be hindred, ſhall upon complaint be brought before the Court by the Provoſt-Martial, and ſhall be heard what he can ſay for his Juſtification, wherein if he fail, he ſhall die for ſuch his offence, at the diſcretion of the Court Martial.

Of the Duties of the Muſter-Maſter.

I.

NO Muſter-Maſter ſhall willingly let paſs in the Muſter any but ſuch as are really of the Troop or Company preſented, upon pain of forfeiting his place; nor ſhall he receive any money from any by way of bribe, under the ſame penalty, and the Officer giving ſhall be caſhiered.

II.

All Captains ſhall cauſe their Troops or Companies to be full and compleat, and at the General Muſtering they ſhall deliver to the Muſter-Maſter four perfect Liſts or Rolls of all the Officers of the Troops or Companies, and likewiſe of all the Troopers and Soldiers that are in actual ſervice, one of the which the Muſter-Maſter ſhall keep for a Record, the other he ſhall give to the Lord General, and the third to the Treaſurer of the Army: There ſhall alſo be a punctual expreſſion at the bottom of the ſaid Rolls, what new Troopers or Soldiers have been entertained ſince the laſt Pay-day, in lieu of ſuch as are deceaſed or caſhiered, and likewiſe the day whereon they were ſo caſhiered and entertained, and their ſirnames ſhall be written Alphabetically; three of the aforeſaid Liſts or Rolls ſhall be ſubſcribed by two common Officers at the leaſt, and the fourth ſubſcribed by the Muſter-Maſter, and delivered to the Captain; and whoſoever ſhall be convicted of falſhood in any of the premiſes, ſhall be caſhiered.

III.

No Muſter-Maſter ſhall preſume to receive or accept of any Roll to make the Muſter by, but the aforementioned Rolls, upon pain of loſs of his place, and other puniſhment at diſcretion.

IV.

No Soldier ſhall paſs Muſter that is unſerviceable by want of his limbs, unleſs by ſpecial order from the Lord General, nor any

perſon that is ſick, except he be either ſeen by the Muſter-Maſter, or have a ſufficient atteſtation under the hand of the Phyſician or Chirurgeon.

V.

No private Soldier in perfect health is to be abſent from the Muſter, except imployed in ſervice, upon pain of loſing his pay for that Muſter; and every Officer that ſtays longer then his Paſs, ſhall be reſpited till his appearance, if he be abſent two Muſters, not to be taken off but by order from the Lord General.

VI.

All Officers, or any other commiſſioned, are to enter their Commiſſions with the Muſter-Maſter, upon pain of forfeiting ſuch their Commiſſions. Whoſoever ſhall receive a Commiſſion from any that is not authorized by His Majeſty or the Lord General, ſhall die without mercy.

VII.

None under the degree of a General Officer ſhall be entred or muſtered in a double capacity, upon pain of being caſhiered.

VIII.

No man ſhall preſume to preſent himſelf to the Muſter, or to be Inrolled in the Muſter-Roll by a counterfeit name or ſirname, or place of birth, upon pain of death.

IX.

No man that is an Inhabitant in a Garriſon Town, ſhall be Muſtered, but by ſpecial Commiſſion from the Lord General, upon pain of ſevere puniſhment to be inflicted on him.

Of Victuallers.

I.

NO Soldier ſhall be a Victualler or Sutler without the conſent of the Lord General, or others authorized, upon pain of puniſhment at diſcretion.

II.

None ſhall out of the Camp or Garriſon forcibly take, or elſe buy up beforehand any Victuals or Goods bound thitherward, before they be brought to a fit place for ſale; neither ſhall he rob any Cabbin, Shop, Tent, or Victualler, or Merchant, that is there for the help of the Camp or Garriſon, on pain of death.

III.

No Victualler or Sutler ſhall preſume to ſell or iſſue to any of the Army or Garriſon, unſavory or unwholſome Victuals, upon pain of impriſonment, and further arbitrary puniſhment.

IV.

No Victualler or Sutler ſhall entertain in his Houſe, Tent, or Hut, any Soldier after the Warning-piece at night, or before the beating of the Ravalle in the morning, upon pain of being mulcted at the diſcretion of the Lord General.

V.

All Victuallers, Sutlers, or Tavern-keepers, ſhall be ſubject to the aforeſaid Articles, and the Council of War, on the penalties herein contained, and ſhall not draw Wine nor Beer in the evening after, or in the morning before ſuch an hour, as the General or Commander in chief ſhall appoint and publiſh, on pain of being puniſhed at diſcretion.

VI.

No Victualler, Sutler, or Tavern-keeper, ſhall admit into his Houſe, Tavern, or Hut, any Soldier whatſoever, during the time that Divine Service is performing, neither ſhall he, during that time, ſell any Meat, draw any Beer or Wine, on pain of being mulcted at the General or Governors pleaſure, the mulct to go one half to the Informer, and the other amongſt the lame and ſick Soldiers.

Of Administration of Justice.

I.

ALl controverſies between the Soldiers and their Captains, and all others, ſhall be ſummarily heard and determined by the next Council or Court of War, except the weightineſs of the cauſe require further deliberation.

II.

No Marſhal-General ſhall refuſe to keep a Priſoner by authority committed to his charge, nor diſmiſs him being once received, upon pain of being liable to the ſame puniſhment which ſhould have been inflicted on the party diſmiſſed.

III.

All Officers and others, who ſhall ſend any Priſoners to the Marſhal-General of the Army, ſhall likewiſe deliver unto the Marſhal within four and twenty hours, the cauſe and reaſon of the impriſonment, and without ſuch cauſe and reaſon ſhown, the Marſhal is expreſly forbid to take charge of the Priſoner.

IV.

When a Priſoner is committed to the charge of the Marſhal-General, the information of the crime which he ſtandeth committed for, is to be delivered to the Advocate of the Army within forty eight hours after the commitment, or elſe for default thereof, the Priſoner to be releaſed, except good cauſe be ſhewn wherefore the information cannot be ready in that time.

V.

The Marſhal having notice, that information is put in againſt the Priſoner, if he be not brought to his tryal within three days compleat, ſhall acquaint the Advocate, or the chief Commander of the place therewith; and if he receive no command to the contrary, ſhall forthwith let go his Priſoner.

VI. The

VI.

The Goods of ſuch as die in the Army or Garriſon, or be ſlain in the Service, if they make any Will by word or writing, ſhall be diſpoſed of according to their Will; if they make no Will, then they ſhall go to the Wife, or next Kinred: If no Wife or Kinred appear within a year after, they ſhall be diſpoſed of by the appointment of the Lord General, according to Laws Civil and Military.

VII.

No man ſhall preſume to uſe any braving or menacing words, ſigns, or geſtures, while the Court of Juſtice is ſitting, upon pain of death, or as the Court ſhall judge fit.

VIII.

No inhabitant of the City or Countrey ſhall preſume to receive any Soldier into his ſervice, or conceal, or uſe means to convey ſuch Run-aways, but ſhall apprehend all ſuch, and deliver them to the Marſhal-General.

IX.

All Captains, Officers, and Soldiers, ſhall do their endeavors to detect, and apprehend, and bring to punishment all Offenders, and ſhall aſſiſt the Officers of the Army to that purpoſe, as they will anſwer their ſlackneſs to the Lord General, or a Court Marſhal.

Every man ſhall be bound to be aiding and aſſiſting to the Marſhal, in the execution of his Office, being thereunto required in His Majeſties or the Lord Generals name, upon pain of Arbitrary punishment rigorouſly to be inflicted: And in caſe it be declared by the ſaid Marſhal, the cauſe concerns Treaſon, or other Capital offence; and the party Arreſted and Committed, or to be Arreſted and kept by him, ſhall for want of ſuch aid and aſſiſtance, eſcape and get away, then he or they refuſing or forbearing to aid and aſſiſt them ſhall die for it, or be punished as a Court-Marſhal ſhall think fit.

If the Marſhal diſmiſs without authority any perſon committed to his charge, or ſuffer him to make an eſcape, he ſhall be liable to the ſame punishment due to the diſmiſſed or eſcaped offender.

All other faults, diſorders, and offences not mentioned in theſe Articles, shall be punished according to the general Cuſtom and Laws of War.

Pretence of not being preſent at the publishing of theſe Articles, shall be no excuſe to any.

But to the end theſe Laws and Orders be made more publick and known, as well to the Soldiers as Officers, every Colonel and Captain is to provide Copies, and to cauſe them forthwith to be diſtinctly and audibly read. The Colonels and Captains are likewiſe required to ſee them published at the head of every Company every Muſter.

FINIS.

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